

Attorney Docket No. SWA-30164
Application No. 10/718,317
Amendment and Response

Remarks

Claims 1-19 are pending in the application. Claims 1, 16 and 17 have now been amended. New claim 20 has been added.

Paragraphs 0036 and 0071 of the specification have also been amended by means of marked replacement paragraphs designated with the same paragraph number to correct typographical errors.

III. Rejections Under 35 U.S.C. §102/§103

The Examiner has rejected claims 1-13 and 15-19 as being anticipated under 35 U.S.C. §102(e) by Tuttle (U.S. Patent No. 6,509,829). Additionally, the Examiner has rejected claim 14 as being obvious under 35 U.S.C. §103(a) based upon Tuttle.

An invention is said to be "anticipated" only if each and every element set forth in the claim is found, either expressly or inherently, within a single prior art reference.

Verdegall Bros. V. Union Oil Co. of Cal., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Further, in order to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all of the claim limitations when combined. *See In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974); and MPEP 2143.03.

The Tuttle reference relied on by the Examiner neither anticipates nor provides a *prima facie* case of obviousness of the presently pending claims.

The Tuttle reference discloses a system for locating an individual within a facility. The system utilizes a plurality of antennas distributed throughout the facility that are connected to an interrogator, which repeatedly and continuously transmits a wireless command to a portable wireless transponder borne by the individual. The transponder device transmits data identifying the device an antenna within range in response to the command. The individual is located by determining which antenna the interrogator was able to establish communications with the transponder device. The system provides updated custom travel information to a passenger whenever a passenger is in proximity to an antenna located near a monitor or speaker (col. 17, lines 60 – col. 18, lines 18; Fig. 1-3).

In contrast to the system of Tuttle for locating and providing information to a passenger within a facility, Applicants' invention is for a passenger monitoring system

Attorney Docket No. SWA-30164
Application No. 10/718,317
Amendment and Response

and method that may be used at a gate area by a gate agent or overseer to facilitate boarding or disembarking operations. As part of a supervised boarding or disembarking operation that occurs at the gate area, Applicants' method collects the passenger information upon a single inquiry event (see paragraph 0046). Tuttle utilizes an automated system that requires repeatedly inquiring or transmitting a command and receiving a response from the transponder device borne by the passenger, which is constantly updated after a time delay (see col. 14, lines 9, etc. and Figures 12-14).

Applicants have amended claim 1 to require that the passenger data be collected with a single inquiry event for each passenger. Such a single inquiry event would occur during either a boarding or disembarking operation for a carrier event. Nowhere is this described, taught or suggested in Tuttle. Indeed, such a single inquiry event for collecting passenger data would make the system of Tuttle unsuitable for its intended purpose of providing automated and continuously updated passenger location information.

Additionally, claim 1 requires the displaying of stored and passenger data on the video monitor display device upon instruction input. The video monitor display device is part of the passenger monitoring system which is provided at a *gateway area*. *Emphasis added.* In Tuttle, the only display devices 170 that are described as being video devices are located remote from the gate areas 22 (see col. 17, line 60, etc. and Fig. 3).

Accordingly, for these reasons, Tuttle fails to disclose each and every element of Applicants' claimed invention and thus fails to anticipate or render obvious Applicants' claimed invention according to claim 1 and those claims depending from it. The rejections are therefore improper and should be withdrawn.

Additionally, with respect to dependent claim 2, contrary to the Examiner's reading, Tuttle does not describe, teach or suggest a display device that displays at least one of a validation status, a non-validation status and a prompt to check passenger information for the at least one passenger. Although Tuttle describes in the text cited by the Examiner and in Figure 14 a routine that continuously monitors ID's of passengers on a reservation list, there is no description of providing of a validation or non-validation status or a prompt to check passenger information on a video monitor display located at a gateway area. As discussed earlier, the only video monitor displays described in Tuttle

Attorney Docket No. SWA-30164
Application No. 10/718,317
Amendment and Response

ate the monitors 170, which are shown being remote from the gate areas 22. Further, these are provided for the convenience of the passengers and not for an overseer at a gateway and thus would not contain the information as is claimed. Applicants would further remind the Examiner that the fact that a certain characteristic *may* occur or be present in the prior art is not sufficient to establish that characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993) (*emphasis added*). Accordingly, claim 2 should be allowed for this additional reason.

With respect to claim 3, nowhere is a display menu on a video display device provided with a plurality of monitoring options for selection as inquiry instruction input. In the text cited by the Examiner, no options are provided for selection. Instead, the monitors automatically display information to those passengers in proximity and not in response to inquiry instruction input for options selected from a display menu on a display device. Claim 3 should therefore be allowed for this additional reason.

Claim 4 should also be allowed because nowhere in the cited text does Tuttle discuss the display of information for all passengers for a carrier event. Only information for those passengers in proximity to the display device is displayed in Tuttle. Claim 4 should therefore be allowed for this additional reason.

Claim 5 also is not anticipated by Tuttle because nowhere does Tuttle discuss displaying information regarding the boarded or non-boarded status of each passenger associated with a carrier event. The text relied upon by the Examiner is a monitoring system located outside a gateway area (see Figure 3, elements 22 and 170) that is for providing information of interest to a passenger. Nowhere is the boarded or non-boarded status for each passenger provided (see column 18, lines 14-18), such as would be of interest to a gate overseer. The information provided is general flight information of interest to the passenger (see Fig. 3). The boarding status shown in Figure 3 is only the status of the flight and not the boarding status of each passenger. Claim 5, as well as claims 6-8 depending from it, should be allowed for this reason as well.

Claim 6 should also be allowed as none of the information specified in claim 6 is disclosed as being displayed in Tuttle (see Figure 3 and discussion at col. 17, lines 60 - col. 18, lines 10). The information provided in Tuttle is general flight information only. Applicants' monitoring system provides detailed passenger information (sce, for

Attorney Docket No. SWA-30164
Application No. 10/718,317
Amendment and Response

example, paragraph 0052 and Fig. 11) that would be of interest to a gate overseer and would not be provided to a passenger. Claim 6 should be allowed for this reason as well.

Claims 7 and 8 should also be allowed as the information specified in these claims is not disclosed in Tuttle as being displayed. The nature of this information is such that it would not be provided to passengers located within the terminal. Only general flight information is described as being displayed in Tuttle. Also, contrary to Examiner's understanding, the electronic boarding pass of Tuttle does not constitute a video monitor display device, as is required in Applicants' claims (see claim 1).

Claim 9 should be allowed because nowhere is it described that this information is provided on a video monitor display device located in a gateway area.

Claim 10 should be allowed because Tuttle does not disclose an optical bar code reader.

Claims 11-12 should be allowed because nowhere is it described in Tuttle that this information is provided on a video monitor display device located in a gateway area.

Claims 13-14 should be allowed because nowhere is it discussed or described the claimed standby passenger information being displayed or provided. The display of Figure 3 provides only general passenger flight information and does not provide a standby designation (see, for example, item 114 of Fig. 11 of the specification) that would be useful to a gate overseer at a gateway area.

Claim 15 should be allowed because nowhere does Tuttle describe printing such information at a gateway area with a passenger monitoring system, as is claimed.

Independent claim 16 is directed toward a passenger monitoring system. Claim 16 specifically requires a passenger-data item reader in the form of an optical bar code reader capable of receiving an optical data signal from a passenger-data item. Tuttle discloses an interrogator, which repeatedly and continuously transmits a wireless command to a portable wireless transponder. This in no way constitutes an optical bar code reader. Furthermore, the use of such an optical bar code reader would make the system of Tuttle unsuitable for its intended purpose of providing automated and continuously updated passenger location information since the passenger data item would have to be repeatedly presented for scanning to ensure that the system was continuously

Attorney Docket No. SWA-30164
Application No. 10/718,317
Amendment and Response

updated to achieve the stated objective of locating a passenger within a facility. Claim 16 should therefore be allowed.

Independent claim 17 should be allowed for the same reason discussed for claim 1 in that it also requires collecting passenger data with a single inquiry event.

Additionally, with respect to claim 17, in no cases in Tuttle is a system or method described wherein the information is controlled at a gateway to prevent access by the passenger. In all cases of Tuttle wherein information or data is described as being accessible, such as on monitors 170 and card 32b, this information is freely available to the passenger for viewing and nowhere is access or control of this information or data described as being limited in any way.

Independent claim 17 has been specifically amended to call for performing a monitoring system logon operation to allow selected access by an overseer to the central database. This is described at paragraph 0041 of the specification. Such an operation is not taught or shown in Tuttle, nor is it suggested because of the nature of Tuttle's automated system of providing information to the passenger within a facility.

Further, claim 17 has been amended to require that a carrier event be selected (see paragraph 0042) for monitoring with the monitoring system and that both boarding and disembarking selection options (see paragraph 0044, 0056 and 0060) be provided with the monitoring system and that one of the boarding or disembarking selection operations be selected. These are operations that would be performed by a gate agent or overseer and not by a passenger. The automated system of Tuttle does not teach, show or suggest a system that requires a carrier event to be selected and that the monitoring system is provided with boarding or disembarking operations. Indeed, Tuttle does not describe any selected disembarking operations whatsoever. Further, no selection of any boarding or disembarking options is described, shown or suggested in the automated system of Tuttle.

Claim 17 has been further amended to require providing an indication of at least one of a validation and a non-validation status to indicate to the overseer whether the passenger is authorized for the carrier event. Although Tuttle shows in Figure 14 a routine that continuously monitors ID's of passengers on a reservation list, there is no providing of a validation or non-validation status to indicate to an overseer whether or not the passenger is authorized for a selected carrier event.

Attorney Docket No. SWA-30164
Application No. 10/718,317
Amendment and Response

Accordingly, for all of these reasons discussed above, claim 17 should be allowed.

Claim 18 should be allowed because nowhere is it described in Tuttle that a passenger monitoring systems is provided at a gateway area that includes a display device. The only display devices described in Tuttle are located away from the gateway areas (see Figure 1, items 170 and 22). Claim 18 should be allowed, as well as dependent claim 19.

New claim 20 is dependent on claim 17 and should be allowable.

IV. Conclusion

In view of all of the reasons presented above, Applicant submits that the application is in a condition for allowance. Favorable action is therefore respectfully requested.

No fees are believed necessary for this response. This response is being submitted within three months from the date of the office action. If any extension of time is believed necessary, however, such extension is hereby requested. If any fees are deemed necessary for the continued prosecution of the present application, the Commissioner is hereby authorized to charge them to Deposit Account No. 50-1899.

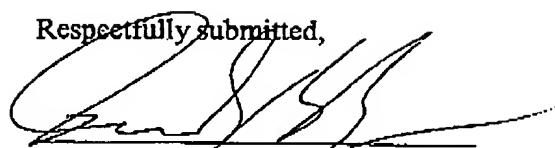
All future correspondence with respect to the above-referenced application should be addressed to:

Ms. Pamela S. Smith
Southwest Airlines Co.
2702 Love Field Drive, HDQ-4GC
Dallas, Texas 75235

Attorney Docket No. SWA-30164
Application No. 10/718,317
Amendment and Response

Date: June 29, 2005

Respectfully submitted,



Grady K. Bergen
Reg. No. 37,587
Customer No. 27883
3333 Lee Parkway
Suite 600
Dallas, Texas 75219
(214) 665-9568
(214) 665-9572 Facsimile

ATTORNEY FOR APPLICANTS